UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.266
12 March 1996

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

SUMMARY RECORD OF THE 266th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 11 January 1996, at 3 p.m.

Chairperson: Mrs. EUFEMIO

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GE.96-10185 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Mongolia (CRC/C/3/Add.32; CRC/C.11/WP.2) (continued)

1. The CHAIRPERSON invited the Mongolian delegation to continue its replies to the questions from the list of issues (CRC/C/WP.2) raised by the members of the Committee at the preceding meeting.

2. Mrs. BOLORMAA (Mongolia) said that there were more and more single mothers in her country. An intergovernmental agency had been established to defend their and their children's interests. The Government provided single mothers and their children with extensive aid, in particular by granting them allowances and various types of social benefits, as it did for orphans. Although Mongolian tradition gave importance to the family, in urban areas, women were increasingly preferring not to remarry and to raise their children alone despite the disapproval of society.

3. A sociological study the previous year had shown that 60 per cent of the children who had left their families had fled conflict situations, abuse and violence in their families, problems that were sometimes due to stepfathers or stepmothers. It was difficult to ascertain that such abuse was occurring in families or even adoptive families. It was only when such children left their families that more was learned of their situation.

4. With regard to the media, there had been an official press before the democratization of Mongolia. New periodicals were now in existence, including, unfortunately, pornographic publications, despite the steps taken by the Ministry of Justice to prohibit their sale.

5. Mrs. TUNGALAG (Mongolia) said that the Ministry of Justice had prepared a bill aimed at combating prostitution. The bill also included a prohibition against children under 18 years of age selling or buying pornographic publications.

6. Mrs. BOLORMAA (Mongolia) said that the bill on freedom of the press took account of the negative effects of certain media.

7. Mrs. BADRAN expressed appreciation for the fact that a child born to a Mongolian mother and an alien father was able to acquire the mother's nationality. Regarding birth registration, her view was that the 30-day period provided for parents to declare their child's birth should be shortened in order to improve the registration rate. She suggested that any public service near a community, such as a hospital, should be used for that purpose. Referring to paragraph 100 of the initial report, she said that a system should be established to enable non-governmental organizations working on children's problems to receive State aid to operate; that would provide more latitude for activities on behalf of children.

8. Referring to paragraph 113 of the report, she expressed surprise at the fact that poor people should be reluctant to seek ways and means of improving their lives. In her view, it was essentially the country's economic situation

that created unemployment. She would like to know whether there were trade unions to defend workers' rights in Mongolia, in particular when a firm decided to eliminate jobs. If so, did women take part? Women were most often the ones who lost their jobs as a result of structural adjustment measures. She would like clarifications on the definition of the people's educational level which the Government was planning to establish.

9. Mrs. KARP, referring to children who left their homes in order to escape violent treatment, asked whether citizens were bound to alert the authorities when they witnessed such acts of violence, whether there was an infrastructure for combating violence against children and whether social workers or psychologists were available to help such children and their families. What penalties did the criminal legislation provide for the perpetrators of that type of violence?

10. With regard to health, she would like additional information on the steps taken by the authorities on behalf of disabled children in order to enable them to remain at home. Was the Government planning to provide those children with home medical care? According to the written replies sent by the Mongolian Government, the legislation did not set a minimum age for having sexual relations. How were children protected from sexual abuse?

11. The report stated that the nationality of abandoned children was granted by the President. Was there an ordinary procedure for acquiring nationality for such children?

12. Mrs. SANTOS PAIS said that there were many countries where information was lacking on acts of violence committed against children within the family. Most often, the members of a family who were victims of such violence remained silent. It was important to do preventive work and to organize public awareness campaigns, in the spirit of article 19 of the Convention. She would like additional information on the steps taken by the Government for that purpose.

13. Mrs. TUNGALAG (Mongolia) noted that the Mongolian territory was vast and that there was no single civil registry in the country. Registering births was therefore difficult. She did not agree that reducing the registration deadline would help matters, especially during the winter, when weather conditions made transport even more difficult, but the proposal that births should be registered in hospitals was an excellent one.

14. Mrs. BOLORMAA (Mongolia), referring to unemployment, stressed that some destitute people in Mongolia preferred to remain without work rather than accept jobs which were proposed to them by public agencies and which they found low-paying. They preferred to raise animals or to obtain money by other means. It should be emphasized that Mongolia's plentiful natural resources enabled the very poor to subsist. In addition, such people had kept the socialist habit of expecting the State to provide everything, whether from the point of view of medicine, social benefits or food. The authorities made every effort to come to the aid of children in difficult situations, especially those whose parents were alcoholics or divorced and did not take care of their children. Some such parents even tried to sell their children

abroad. Moreover, part of the population felt that the Government's social policy was too generous towards people who demanded everything, but shirked their responsibilities as parents.

15. Replying to Mrs. Badran, she said that there was a very strong and active trade union in Mongolia, at the national and international levels. The Government and the union concluded agreements each year to protect workers' interests. The union had even occasionally gone on strike in cases of conflict. Women took part in trade union activities, but there was no union for women specifically.

16. There was a children's militia in Mongolia; it aimed at preventing children from engaging in crime or prostitution. Some observers might be surprised at the term "militia", but it had to be acknowledged that the organization was a shield against violations of children's rights.

17. In December 1995, the Parliament had adopted a new law on the protection of disabled people. Before the adoption of that law, disabled children under 16 years of age had received no allowance, and parents had had no choice but to meet all the expenses involved in the medical care and education of disabled children. Under the new law, the State was bound to provide allowances for medical care and all matters relating to the education of disabled children. There was now a specialized school in Mongolia for physically disabled children and a school for mentally retarded children. At the local level, the Mongolian authorities hoped to step up their efforts to integrate disabled children into the ordinary schools. A mechanism had recently been established to provide home care, for disabled children in particular.

18. Mrs. TUNGALAG (Mongolia) said that the minimum age for marriage was set at 17, but that there had been exceptions to that principle. On another matter, if children were subjected to physical or psychological violence by their parents, the parents were liable to a fine. If the ill-treatment was of a criminal nature, the parents were criminally responsible in accordance with the provisions of the Penal Code.

19. Mr. TUMUR (Mongolia), referring to the question of citizenship, said that any child abandoned in Mongolian territory automatically received Mongolian citizenship. Otherwise, Mongolian nationality was generally obtained through presidential decree. He acknowledged that the situation of children in detention was particularly difficult. There was no doubt that Mongolia needed to provide proper training for the staff working in children's detention centres. He therefore hoped that the Committee would recommend the provision of technical assistance for the training of judges, jurists and juvenile justice personnel.

20. Mrs. BOLORMAA (Mongolia) said that much remained to be done in the area of prevention of violence against children. The closed nature of Mongolian society was a major difficulty in that area. The Mongolian authorities were planning to prepare educational programmes for parents, but they had not yet been implemented.

21. Miss MASON praised the Mongolian report (CRC/C/3/Add.32) for its critical nature. Both the report and the Mongolian delegation's statements repeatedly mentioned the "feed-me" attitude of many members of Mongolian society, which was an obstacle to implementing an entire set of measures. It would be interesting to know how the people had been prepared to accept the transition from a centralized economy to a market economy which Mongolia was facing. Antisocial behaviour inevitably resulted from poverty, but it was not sufficient to offer people possibilities without preparing them for changes.

22. She noted that the report did not contain any information on AIDS. She would therefore like to know what the incidence of AIDS in Mongolia was and whether there were laws, practices or programmes for raising awareness and training to avoid discrimination against the children and families affected. The report also did not contain any information about drug addiction. She would therefore like to know whether drug abuse was a problem in Mongolia and, if so, how the problem was dealt with. The report seemed to indicate that the demographic growth rate had dropped, in particular due to the increase in the number of abortions. In that connection, she would like to know whether family planning programmes had been established and whether sex and health education were included in the school curricula. With regard to mentally handicapped children, it might be asked whether there was risk of increase of the number of congenital problems owing to the fact that young Mongolians no longer knew their tribal names and members of the same tribe therefore ran the risk of intermarrying.

23. Mrs. KARP noted that practice had shown that, when doctors, teachers and social workers were obliged to inform the police of all cases of violence within families that came to their knowledge and awareness-raising campaigns were organized simultaneously, much was done to help improve the situation. The Committee should also take account of the Mongolian delegation's wish for technical assistance in the area of training of personnel concerned by the Convention. However, it was her understanding that a Centre for Human Rights project was currently being tried out in Mongolia in a similar field. It would be useful for the Mongolian delegation to assess that project to help the Committee identify better the type of technical assistance needed.

24. In the area of health, she believed that alcoholism was an increasingly disturbing problem. She would like to know whether the Mongolian authorities were planning to take steps to prevent children from obtaining alcohol. On another matter, the children's detention centre appeared to have been transferred to the outskirts of the capital. Had steps been taken to enable the families of children from remote regions to visit them? She noted that one of the objectives of the Mongolian authorities was to ensure that 75 per cent of the population had access to clean drinking water in 1995. Had that objective been met and what specific steps had the authorities taken in that area?

25. Mrs. BADRAN noted that, according to information provided by Mongolia, 77 per cent of disabled people were born with their disability. Medicine offered opportunities to test the compatibility of persons who wished to marry and opportunities to detect possible disabilities and malformations

of a foetus at an early stage. In another line of ideas, since Mongolia was, on the one hand, subject to very harsh weather conditions and, on the other, a stockbreeding country, had the authorities considered using biogas?

26. Mr. HAMMARBERG said that the Mongolian authorities had obtained satisfactory results in the field of education, such as the praiseworthy reversal of the school drop-out rate. However, it would also be interesting to have some information on the quality of education and, in particular, on reforms to the school curricula and steps to improve teachers' preparation and conditions. It seemed that a large number of teachers had been trained under the Soviet system. What steps were being considered to enable them to adopt a different educational approach? It would also be useful to know to what extent the authorities' determination to enable disabled children to attend normal schools had become a reality. The Committee would also like to have information on the conditions, role and training of social workers.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

27. Mr. TUMUR (Mongolia) noted that, under the socialist system, the people had lived on assistance and that attitudes could not change overnight. By way of example, he said that, when he had run for Parliament in 1992 and had campaigned throughout the country, the voters had asked him to give them food, clothing and other material aid. It should be emphasized, however, that the country had been undergoing a crisis at the time and the shops had been empty. The authorities had endeavoured to introduce reforms and to make the people understand what the transition to a market economy meant. The shops were now well stocked, but what was more important was that the people now understood that it was for them to meet their own needs rather than beg. Stockbreeding was another example: under the old system, the stock in the countryside belonged to the State and State-run enterprises took care of it; today, there were many stockbreeders who managed 2,000 to 3,000 head of cattle and who worked independently.

28. Mrs. BOLORMAA (Mongolia), replying to the question on AIDS, said that only one case had been reported three years before and that the identity of that person was still being kept confidential. Although the problem of AIDS obviously did not arise in Mongolia, a study on the spread of the virus was conducted twice a year and years earlier the Parliament had adopted a law on the prevention of AIDS. With regard to drugs, there had been a few cases, 15 years previously, of adult drug addicts and children who had sniffed glue. But the problem of drug addiction no longer arose in Mongolia. Concerning alcohol, two years earlier, Parliament had adopted a law prohibiting the sale of alcoholic beverages to young people under 18 years of age.

29. Turning to the question of the children's detention centre, she said that the Government had taken the decision to move the centre near Ulaanbaatar in order to enable parents to visit their children more easily. Mongolia was a vast country with little-developed mass transport and the great majority of children detained in the centre came from the Ulaanbaatar region. In addition, the closeness of the detention centre to the city enabled private agencies and interested individuals to come more easily to monitor the children's living conditions and had helped improve the physical conditions of detention.

30. As far as marriage was concerned, the Family Code stipulated that the family should advise young people who wished to marry. The future spouses were informed of their responsibilities and also had to have a medical examination.

31. In reply to the questions on education, she said that the educational system was being restructured. Teachers' salaries had been raised by 40 per cent and the financing of the agencies responsible for education had been improved. The national and local authorities devoted more resources to teacher training. In rural areas, however, the educational level remained insufficient and there were not enough teachers, but the Ministry of Education and the National Centre for Children were planning an improvement in 1996 in primary and secondary school education in rural areas. Efforts had also been made in the previous three years to foster the integration of disabled children into the regular schools.

32. A programme on the training of social workers was about to be implemented; it had been developed by the National University and the Teacher Training Institute of Mongolia with the help of the University of Pennsylvania in the United States.

33. Turning to the question of abortion, she said that, since the legalization of abortion in 1989, the number of voluntary interruptions of pregnancy had increased. The number of births was higher in the countryside. Women generally had children between the ages of 22 and 35 and children were spaced an average of two and a half to three years apart. The Ministry of Health was attempting to establish a family planning system.

34. Concerning drinking water, the objectives of a water supply project set for 1995 had unfortunately not been met owing to the lack of resources. It had been possible to implement the project in only two provinces.

35. Mr. YUMJAV (Mongolia), replying to the questions on technical assistance to Mongolia in the field of human rights, said that a very important project in the area of the administration of justice had begun in September 1994, with the cooperation of the Centre for Human Rights. It basically consisted of organizing a large number of national seminars, granting fellowships and providing assistance in the preparation of legislation. Unfortunately, Mongolia lacked experience and qualified people in the field of law, especially children's law. That was why technical assistance in the field was needed.

36. Although the problem of drugs did not arise in Mongolia, the authorities were planning to draft legislation on drugs and had begun a series of activities in cooperation with the Vienna International Centre in the area of prevention. In reply to the question on biogas, he said that the Mongolian authorities were studying the possibility of using it as an alternative energy source.

37. The CHAIRPERSON suggested that the Committee and the Mongolian delegation should discuss the special protection measures covered in questions 27 to 31 of the list of issues (CRC/C.11/WP.2).

38. Mrs. SANTOS PAIS said she was afraid that the decision to move the children's detention centre near Ulaanbaatar had been motivated less by the best interests of the child than by the proximity of the city. She also thought that an independent control mechanism should be established for conditions of detention. The National Centre for Children was a public agency and could therefore not exercise its functions with complete independence. A mechanism should also be established to enable children deprived of their liberty to file a complaint in case of violation of their rights. Referring to the draft Penal Code under preparation, she said that the rehabilitation of offenders should be the primary objective, not the third, following the protection of society and the punishment of the child in the interest of society, as appeared to be the case. She encouraged the legislator to bear that in mind during the reform process.

39. Miss MASON said she wondered whether the technical assistance mentioned also covered the training of social workers and whether the authorities knew of the United Nations Manual for schools of social work and the social work profession. Concerning AIDS and drug addiction, she noted that, even if those problems did not arise in Mongolia, the authorities should take all the necessary preventive steps. With regard to child labour, she would like to know whether research had been conducted into incest, whether campaigns for the prevention of the sexual exploitation of children had been organized and whether the media had taken part, whether sex education courses were given in the schools, whether statistics were kept on cases of the sexual exploitation of children and sexual violence against children and, in general, what steps were taken to protect children against all forms of exploitation and sexual violence in and outside the family.

40. Mrs. KARP noted with concern that children 14 years of age and older who had committed a serious offence were tried by ordinary courts and were therefore not given the special protection measures they would receive from a children's court. She also believed that laws should be enacted on the treatment of juvenile offenders who had not reached the age of criminal responsibility. With regard to child prostitution, she would like to know what measures, other than legislative ones, the Government was planning to adopt to combat that problem. One means of doing so would be to set a minimum age for sexual relations.

41. Mr. HAMMARBERG asked whether the Mongolian Government intended to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (question 27 of the list of issues). He would also like to know whether the Government intended to combat juvenile delinquency by seeking its causes and conducting prevention, education and rehabilitation activities.

42. Mrs. TUNGALAG (Mongolia) noted that minors who committed an offence for the first time were not necessarily sentenced to a prison term. The court might seek to rehabilitate them through alternative measures (written reply No. 29 (f)), such as returning them to their parents or legal representative. On another matter, a bill had been prepared to combat child prostitution. It made it an offence to give a child over to prostitution. The Penal Code also contained a provision to that effect.

43. Mrs. BOLORMAA (Mongolia) said that Mongolia had not yet received technical assistance for the training of social workers, but that a Social Development Centre had just been established, through which it was planned to give courses for social workers from the different provinces, to begin that month.

44. The Mongolian trade unions cooperated closely with the National Centre for Children on the problem of child labour, which had recently appeared. Efforts would begin that year to analyse the reasons for and conditions of child labour, in order to prevent the exploitation of children and to design a policy for protecting them. Mongolian secondary schools did have a sex education programme, which was to be expanded and extended to a greater number of classes.

45. Replying to Mr. Hammarberg, she said that a study of the social aspects of the situation of Mongolian children in the cities and countryside had just been undertaken in order to determine the causes of juvenile delinquency. There were not yet any specialized agencies for the training or continuing education of the staff of the prisons or correctional education centres, but there were plans to establish some.

46. Mrs. TUNGALAG (Mongolia) said that there were currently plans to revive the Commission on the Interests of the Child that had existed before perestroika and was responsible for examining, together with the parents or legal representatives, the situation of a child who had committed an offence. The new commission would be given expanded powers.

47. Mr. SAMDANDOVJ (Mongolia), replying to another question raised by Mr. Hammarberg, said that the Government did not plan for the time being to accede to the Convention relating to the Status of Refugees, for it did not see any need to do so: there were neither any Mongolian refugees abroad nor foreign refugees in Mongolia.

48. Mrs. SANTOS PAIS noted that it was not necessary for a Government to be facing a refugee problem in order for it to accede to the 1951 Convention: the problem might arise one day.

49. The CHAIRPERSON invited the members of the Committee to submit their concluding observations on the initial report of Mongolia (CRC/C/3/Add.32).

50. Mrs. BADRAN said that, while she understood the difficulties that the transition to a market economy entailed for Mongolia, some of the harm that that process might cause to the most vulnerable groups, especially children, might be irreparable. Children must therefore be sheltered from such harm. In particular, there was a need, on the one hand, to ensure good coordination among the various national agencies responsible for policy making, planning and follow-up in matters relating to children and, on the other, to ensure that those agencies were provided with financial and human resources. She hoped that indicators would be established to monitor the situation of children and the implementation of programmes for children which would take Mongolia's special features into account. She hoped that families, teachers, etc., would be given the necessary education so that the child's right to participate in the life of society would not remain a dead letter.

51. Mr. HAMMARBERG welcomed the fact that high priority was given to questions relating to children, in particular education. In his view, the difficulties involved in the threefold transition that Mongolia had begun involved two risks with regard to children: first, the distortion of priorities: when programme reductions were made necessary by budget constraints, there was a risk that the needs of middle class children (cultural activities, etc.) would take precedence over the basic needs of vulnerable groups of children; and, secondly, the denial of justice, with regard to juvenile justice, for example. Mongolia's initial report indicated that those two risks had not been completely avoided. There appeared to be three areas that required more attention from the authorities and the preparation of very detailed programmes: the prevention of domestic violence, the implementation of article 17 of the Convention (information and the media) and juvenile justice. He endorsed Mrs. Santos Pais' observation on accession to the Convention relating to the Status of Refugees.

52. Mrs. SANTOS PAIS said that further efforts were needed in the following areas: raising the people's awareness of children's matters and the need for education; preparation of school curricula of practical use to children; training of teachers and other persons working with and for children, in particular through international technical assistance. She stressed the need to strengthen horizontal and vertical coordination among all agencies working with children and systematically to collect information on all groups of children, especially the most vulnerable. Family policy design, the establishment of a mediator or human rights commission and the enactment of special criminal legislation for minors would also be desirable. It was important for all children to be registered at birth (art. 7 of the Convention). Mobile registration offices might be one way of ensuring that they were.

53. She hoped that, when the delegation returned home, it would again appear on television in order to encourage Mongolian society to mobilize on behalf of children and perhaps draw greater support from the international community.

54. Mrs. KARP said that she agreed with the previous remarks. She would simply like to state the need for comprehensive policies and the need to strengthen, through the appropriate technical assistance, the capacity of community-based non-governmental organizations for cooperating with official services, not only with respect to changing attitudes towards children, but also to providing the services that children needed. Technical assistance also appeared to be necessary to help the various branches of Government to adjust to the new attitudes resulting from Mongolia's transition to democracy.

55. Miss MASON said that, until they were able to give full effect to the Convention on the Rights of the Child, the Mongolian authorities might take interim measures, especially with regard to the three particularly serious questions: abortion, child labour and education. Since all rights were associated with responsibilities, she suggested that city children, who were more articulate, might be encouraged to inform less advantaged rural children of the children's rights guaranteed by the Convention. Lastly, she regretted that time had not allowed the Committee to deal with the question of child suicides in Mongolia.

56. The CHAIRPERSON invited the Mongolian delegation to make a final statement concluding the Committee's consideration of its initial report (CRC/C/3/Add.32).

57. Mr. YUMJAV (Mongolia) thanked all members of the committee, who had shown an excellent understanding of the situation of Mongolian children and the problems Mongolia was facing during the current transition period. As many members of the Committee had stated, the dialogue had been extremely valuable. The observations and recommendations made would be brought to the attention of the Mongolian authorities and taken into consideration. They would also be extensively publicized. On behalf of the Mongolian delegation, he expressed sincere thanks to the Committee and wished it every success in its work in favour of human rights.

58. The CHAIRPERSON, speaking on behalf of all members of the Committee and on her own behalf, thanked the Mongolian delegation for its report and the additional information it had provided and for the fruitful, stimulating and constructive dialogue it had helped to establish.

59. The Mongolian delegation withdrew.

The meeting rose at 6.10 p.m.